



Ohio Revised Code Section 3734.20 Investigations.

Effective: October 6, 2017

Legislation: Senate Bill 2 - 132nd General Assembly

(A)(1) If the director of environmental protection has reason to believe that hazardous waste was treated, stored, or disposed of at any facility or property located within the state or that solid waste or construction and demolition debris was disposed of at any facility or property in the state, the director may conduct such investigations and make such inquiries as are reasonable or necessary to determine if conditions at the facility or property:

- (a) Constitute a substantial threat to public health or safety; or
- (b) Are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination.

The director may obtain samples and examine and copy records for purposes of an investigation.

(2) The director or the director's authorized representative may apply for, and any judge of a court of common pleas shall issue, an appropriate search warrant necessary to achieve the purposes of this section within the court's territorial jurisdiction.

(3) The director may expend money from the hazardous waste facility management fund created in section 3734.18 of the Revised Code, the hazardous waste clean-up fund created in section 3734.28 of the Revised Code, or the environmental protection remediation fund created in section 3734.281 of the Revised Code for conducting investigations at any facility or property where the director has reason to believe that hazardous waste was treated, stored, or disposed of. The director may expend money from the environmental protection remediation fund established in section 3734.281 of the Revised Code for conducting investigations at any facility or property where the director has reason to believe that solid waste or construction and demolition debris was disposed of.

(B) If the director determines that conditions at a hazardous waste facility, solid waste facility, or other facility or property where hazardous waste was treated, stored, or disposed of constitute a



substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination, the director shall initiate appropriate action under this chapter or Chapter 3704. or 6111. of the Revised Code or seek any other appropriate legal or equitable remedies to abate the pollution or contamination or to protect public health or safety.

If the director determines that conditions at a facility or property where solid waste or construction and demolition debris was disposed of constitute a substantial threat to public health or safety, the director shall initiate appropriate action under this chapter or Chapter 3714. of the Revised Code or seek any other appropriate legal or equitable remedies to abate the pollution or contamination or to protect public health or safety.

If an order of the director to abate or prevent air or water pollution or soil contamination or to remedy a threat to public health or safety caused by conditions at such a facility or property issued pursuant to this chapter or Chapter 3704., 3714., or 6111. of the Revised Code is not wholly complied with within the time prescribed in the order, the director may, through officers or employees of the environmental protection agency or through contractors employed for that purpose, enter upon the facility or property and perform measures to abate or prevent air or water pollution or soil contamination from the facility or property or to protect public health or safety, including, but not limited to, measures prescribed in division (B) of section 3734.23 of the Revised Code.

The director shall keep an itemized record of the cost of the investigation and measures performed, including costs for labor, materials, and any contract services required. Upon completion of the investigation or measures, the director shall record the cost of performing the investigation and measures at the office of the county recorder of the county in which the facility or property is located. The cost so recorded attaches to the real property and constitutes a perfected lien against the property.

A lien imposed under this section shall continue until it is discharged or upon a filing by the director of a release of the lien in the office of the county recorder of the county in which the facility or property subject to the lien is located.

Upon written request of the director, the attorney general shall institute a civil action to recover the cost of the investigation or other measures, as applicable. Any money so received shall be credited to



the hazardous waste facility management fund, the hazardous waste clean-up fund, or the environmental protection remediation fund, as applicable.

When entering upon a facility or property under this division, the director shall perform or cause to be performed only those measures necessary or appropriate to abate or prevent air or water pollution or soil contamination caused by conditions at the facility or property or to abate threats to public health or safety caused by conditions at the facility or property. For this purpose the director may expend money from the hazardous waste facility management fund, the hazardous waste clean-up fund, or the environmental protection remediation fund and may expend money from loans from the Ohio water development authority to the environmental protection agency that pledge money from the hazardous waste facility management fund, the hazardous waste clean-up fund, or the environmental protection remediation fund for the repayment of and for the interest on such loans.